

5 April 1976

*1st and 2nd deputy
Cair file*

MEMORANDUM FOR THE RECORD

SUBJECT: Conversation with Senator John Stennis (D., Miss.)

This afternoon I met with Senator John Stennis (D., Miss.) in the Reception Room off the Senate floor and covered the following subjects:

The Second Deputy Position:

I told the Senator that the Director had been trying to place the "second deputy," that is, the Deputy to the Director for the Intelligence Community, at the same level with the statutory Deputy Director for Central Intelligence, and that we were considering various alternative amendments to the National Security Act to accomplish this purpose. I discussed these alternatives with Senator Stennis, using the draft material prepared jointly by OGC and OLC. It became clear very early in the conversation that Senator Stennis would be very much opposed to attempting to get any legislation for a second deputy requiring amendment to the National Security Act on the floor of the Senate this year. He said he felt that there was just too much to be concerned about with the proposals for oversight committees, the Senate Select Committee report coming up, etc., to run the risk of opening the National Security Act to amendments on the floor of the Senate with such legislation. We discussed various alternative actions which the Administration might take in the interim with respect to these two positions, including appointing the present Deputy to the Director for the Intelligence Community to the statutory position of DDCL, or of appointing someone else to this position with the understanding that he would be carrying out the Deputy's duties with responsibility to the Agency only, but we reached no conclusions on these possibilities. I indicated to Chairman Stennis that General Walters plans to retire

effective 30 June and this will mean that the President will be sending a nomination to the Hill for that position. The Senator seemed to have no difficulty with facing that situation and taking such a nomination to the floor, but was quite emphatic in his desire not to have any new legislation on this subject this year. While I believe the Chairman would support any reasonable appointment or arrangement of the deputy situation, I think it would be wise for the Director or the Administration to consult with the Chairman on the specifics when a proposal is in the offing.

Budget Committee:

I briefly elaborated on the Director's conversations by telephone with Senator Stennis on the situation with respect to the Budget Committee and the request which Senator Alan Cranston (D., Calif.) had made for access to certain budgetary data for the intelligence community. I told the Senator that following the Director's conversation with him and with Senator Strom Thurmond (R., S.C.), he had written a letter to Senator Edmund Muskie (D., Maine), Chairman of the Senate Budget Committee, indicating that he was opposed to any further proliferation of this information until the Senate resolves the present oversight issue. Senator Stennis indicated that the Budget Committees

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Oversight Legislation:

Senator Stennis and I discussed the situation facing us with respect to S. Res. 400 and the possibility that the Rules Committee may wind-up with a recommendation which would result in split jurisdiction of the intelligence agencies between the new oversight committee and the present Armed Services Committee, placing investigative power in the oversight committee and budgetary authorization responsibility in the Armed Services Committee. We both felt that this was an undesirable arrangement because, among other things, it merely adds an additional committee to the number of committees currently receiving sensitive Agency information. Senator Stennis has proposed some sort of an arrangement by which he would retain jurisdiction.

I told him perhaps there could be some amendment to the Senate Rules establishing a permanent Subcommittee of Armed Services on intelligence with "reserve seats" for appointees of Appropriations, Foreign Relations and Government Operations Committees, and other at-large seats to be filled by the leadership. Senator Stennis would like to see the establishment of such an arrangement, recalling that Senator Russell had invited the Ranking members of the Foreign Relations Committee and the leadership to sit in on intelligence briefing sessions during the time of his Chairmanship following the defeat of the McCarthy resolution. Senator Stennis expressed reservations, however, about having the Government Operations Committee included as one of those having "reserved seats." We agreed that we would continue to press in this direction and see what we could accomplish.



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30 March 1976

MEMORANDUM FOR: The Director

SUBJECT : Statutory Second Deputy

Subsequently, I saw GLC
 = you & he = often have
 sessions with Director
 tomorrow PM

1. It is my understanding that you want the Deputy for the Community to be your principal Deputy, and to act for you in your absence. In routine matters, of course, he would act for you in your role as the President's senior intelligence advisor; the Deputy for the Agency would act for you as head of the Agency.

2. I have discussed this with [] and with [] Cary and [] Everyone understands what it is you want to do. There is a serious problem, however.

3. The Act of 1947 places the responsibilities to advise the NSC on intelligence activities, to make recommendations to the NSC for coordination of intelligence activities, and to correlate and evaluate intelligence, on the CIA, under "a Director of Central Intelligence who shall be the head thereof," and not directly on the DCI. (Congress did not address the existence of a Community to be coordinated.) To transfer any of these responsibilities out of the Agency and vest them in a new Deputy would require major revision of the Act. Unless that is done, there is no way that the Agency Deputy can be kept from acting for you in your absence, but there is considerable doubt that Congress would be willing to accept such a change or even to address it this year.

4. [] believes the bill should simply create a second Deputy and remain silent on which does what and which is the senior. This may be an out. If it could be done, you could, with the powers you now have, simply designate which will be senior. This would enable you to do what you want now and preserve for yourself or a successor maximum flexibility for the future, should circumstances change.

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5. I have asked the troops to work up some options and analyze difficulties inherent in each, for a discussion with you later in the week. These will include suggestion.

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RICHARD LEHMAN